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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,256	07/18/2003	Steven Clay Loring	DC-05567	4702
7590	10/26/2004		EXAMINER	
Stephen A. Terrile HAMILTON & TERRILE, LLP PO Box 203518 Austin, TX 78720			FRANK, ELLIOT L	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/623,256	LORING ET AL.	
	Examiner	Art Unit	
	Elliot L Frank	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 July 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-24,26-43,45 and 48-51 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) 25,44,46 and 47 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/27/2003.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED QUAYLE ACTION

1. This application is in condition for allowance except for the following formal matters:
 - a. Specification
 - i. The abstract of the disclosure is objected to because it is not narrative. The abstract should be a narrative description of the invention 50-150 words in length. The purported merits of the invention should be omitted. Correction is required. See MPEP § 608.01(b).
 - ii. The disclosure is objected to because of the following informalities:
 - iii. Page 12, line 20: The paragraph beginning at line 20 states: "The timeline shows three examples of planning blocks that occur during an example time period: planning block 310A beginning at time 0:00, planning block 310B beginning at time 2:00, and planning block 310C beginning at time 2:00." It does not appear that 310C starts at the same time (2:00) as 310B per figure 3.
 - iv. Page 12, line 29: There is no 330B in figure 3 as indicated in the specification.
 - v. Page 14 line 15: "MRE-A" should be corrected to "MRE-A1 to A3" per figure 3. "MRE-B" should be corrected to "MRE-B1 to B3" per figure 3. "MRE-C" should be corrected to "MRE-C1" per figure 3. "MRE-D" should be corrected to "MRE-D1" per figure 3.

- vi. Page 18, line 3: "customer 150" should be corrected to "customer 250" per figure 5.
 - vii. Page 21, line 23: "WIP data 632" should be corrected to "WIP data 622" per figure 6.
 - viii. Pages 23-25: The paragraphs describing figure 9 are repeated in the specification.
 - ix. Page 26, line 4: There is no 1110 in figure 11 as indicated in the specification.
- b. Appropriate correction is required.
- c. The errors noted by the examiner may not constitute all of the aberrations in the specification. The applicant is encouraged to thoroughly review the specification and correct any informality encountered.
- d. Claims
- i. Claim 25 is objected to for a presumed typographical error due to copying. The word "apparatus" in line 1 of the claim should be corrected to "system" to correspond to the requirements of the parent claim.
 - ii. Claims 44 and 46 are objected to for a presumed typographical error due to copying. These claims currently depend from claim 19. The claims should be corrected to depend from claim 36 in accordance with the structure of the method claims to which these apparatus claims correspond.

iii. Claim 47 is objected to for a presumed typographical error. The claim currently depends from claim 44. The claim should be corrected to depend from claim 46 in accordance with the structure of the method claim to which the apparatus claim corresponds.

Allowable Subject Matter

2. Claims 1-24,26-43,45 and 48-51 are allowed.
 - a. The prior art of record, taken singly or in any reasonable combination, fails to teach or fairly suggest the claimed invention.
 - b. Claims 1,14,18,31,35 and 48 are independent. Claims 18 and 35 have the same functional requirements as claim 1. Claims 31 and 48 have the same functional requirements as claim 14.
 - c. Claims 1 and 14 require the following:
 - i. 1. A method for scheduling manufacture of an item in a factory comprising:
planning a time for manufacturing an item so as to have the manufacture of the item complete during a desired shipping window;
determining the desired shipping window so as to allow the item to be shipped via a lower cost shipping method while arriving at a destination as if shipped via an expedited shipping method; and,

determining a carrier service for shipping the item so as to enable the item to be shipped via a lower cost shipping method while arriving at a destination as if shipped via an expedited shipping method.

- ii. 14. A method for scheduling manufacture of an item in a factory comprising:

planning a time for manufacturing an item so as to have the manufacture of the item complete during a desired shipping window; determining the desired shipping window so as to allow the item to be shipped via a lower cost shipping method while arriving at a destination as if shipped via an expedited shipping method; and, choosing from one of a plurality of carrier services for shipping the item so as to enable the item to be shipped via a lower cost shipping method while arriving at a destination as if shipped via an expedited shipping method.

- d. The most relevant prior art of record is Martin et al. (USPN 6,029,140 A).

Martin discloses a planning system wherein a shipment window is targeted in order to meet a customer requested shipment date. The system takes into account acceptable customer early and late delivery criteria in order to deliver product in a manner acceptable to the customer. However, the Martin et al. system does not disclose a method to schedule manufacturing in order to

- ship via a lower cost shipping method while arriving at a destination as if shipped via an expedited shipping method as required by claims 1 and 14.
- e. Additional searches targeting this specific requirement did not uncover any additional references that would anticipate or make obvious this limitation.
 - f. Therefore, the limitations of claims 1 and 14, in combination with the remaining elements and features of the claimed invention, were not disclosed nor fairly suggested by the prior art of record.

Conclusion

3. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 2002/0019759 A1 – Arunapuram et al. – Logistics control

US 2004/0054570 A1 – Streetman - Logistics control

USPN 5,450,317 A – Lu et al. – Logistics control

USPN 6,701,299 B2 – Kraisser et al. – Logistics control

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elliot L Frank whose telephone number is (571) 272-3739. The examiner can normally be reached on M-F 8-5:00 (flex).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P Picard can be reached on (571) 373-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ELF
10/23/2004



ELLIOT FRANK
PATENT EXAMINER
10/23/2004